

NO. PD-0517-16

EX PARTE

JEROMY JOHN LEAX

§ **IN THE COURT OF** FILED
§ COURT OF CRIMINAL APPEALS
§ 11/29/2016
§ **CRIMINAL APPEALS OF** ABEL ACOSTA, CLERK
§
§ **TEXAS**

**STATE'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW the State of Texas, by the undersigned assistant district attorney, and moves the Court for an extension of time to file its appellate brief in the above-captioned cases. The State would respectfully show the Court the following:

1. On September 22, 2014, the appellant was convicted of two counts of online solicitation of a minor, after the Court granted the State's motion to amend the indictment, but denied the appellant's amended motion to quash the indictment, and his punishment was assessed at thirteen years imprisonment in each count. The appellant appealed his conviction.
2. On August 23, 2016, the Ninth Court of Appeals affirmed the appellant's convictions.
3. On September 21, 2016, this Court granted the appellant's petition for

discretionary review.

4. The appellant filed his brief in this Court on October 24, 2016.

5. The State's brief is due to be filed on or before November 21, 2016.

6. The State has not previously requested an extension of time to file its brief.

7. The State hereby requests a 30-day extension of time to file its brief, until December 23, 2016.

7. Good cause exists for the requested extension of time, for the following reasons:

In the past 30 days, the undersigned counsel for the State has been required to prepare the State's brief in *Michael Swenson v. State*, 09-16-00142-CR; the State's brief in *Lewis Taylor v. State*, 09-16-00063-CR, the State's brief in *Ronald Reynolds v. The State of Texas*, Cause Nos. 08-15-00372-CR, 08-15-00373-CR, 08-15-00374-CR, 08-15-00375-CR & 08-15-00376-CR; and the State's proposed designation of issues in *Ex parte Rancher*, 12-01-00820-CR-(1).

Additionally, undersigned counsel is assigned to serve as the prosecutor on Montgomery County's misdemeanor expunction cases, and has been required to attend to duties pursuant to that assignment.

In addition, undersigned counsel was absent from the office on previously scheduled vacations October 24-28, 2016 and November 14-15, 2016. Also, counsel was absent from the office due to an unscheduled health-related absence November 2-4, 2016.

Consequently, counsel has not had sufficient time to prepare an adequate State's brief in this case.

THEREFORE, the State requests an extension of time to file its brief until December 23, 2016, in this case.

Respectfully submitted,

BRETT W. LIGON
District Attorney
Montgomery County, Texas

/s/ Jason Larman
JASON LARMAN
Assistant District Attorney
Montgomery County, Texas
S.B.T. No. 24072468
207 W. Phillips, Second Floor
Conroe, Texas 77301
(936) 539-7800
jason.larman@mctx.org

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion is being sent through the electronic filing manager to Mr. Mark Bennett, attorney for the appellant, at eservice@ivi3.com, on the date of the filing of the original with the Clerk of this Court.

/s/ Jason Larman
JASON LARMAN
Assistant District Attorney
Montgomery County, Texas